

**State v. Robert Browning**  
**Grand Jury**  
**9-11-12**

**Definitions**

1. **Dependent person**—a person who, because of either age or a physical or mental disability, is dependent on another to provide for the person's physical needs. ORS 163.205(2)(a).
2. **Elderly person**—a person 65 years of age or older. ORS 163.205(2)(b).
3. **Legal duty**—includes but is not limited to a duty created by familial relationship, court order, contractual agreement, or statutory or case law. ORS 163.200(3), 163.205(2)(c).

**CRIMINAL MISTREATMENT IN THE FIRST DEGREE**  
**(Dependent or Elderly Persons)**

Oregon law provides that a person commits the crime of criminal mistreatment in the first degree when the person, in violation of a legal duty to provide care for, an elderly person, knowingly takes and/or appropriates the elderly person's money or property for any use or purpose not in the due and lawful execution of the person's responsibility.

In this case, to establish the crime of criminal mistreatment in the first degree, the state must prove beyond a reasonable doubt the following five elements:

- (1) The act occurred in Washington County, Oregon;
  - (2) The act occurred on or about dates within 6 years of today.
  - (3) Laura Sullivan and Alice Browning were elderly persons;
  - (4) Robert Browning owed a legal duty to provide care for Laura Sullivan and Alice Browning; and
  - (5) Robert Browning violated that legal duty to provide care for Laura Sullivan and Alice Browning by knowingly taking and/or appropriating Laura Sullivan and Alice Browning's money or property for any use or purpose not in the due and lawful execution of the person's responsibility.
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